

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

**AMERICAN GENERAL LIFE  
INSURANCE COMPANY, as  
successor in interest to The Old  
Line Insurance Company of America,**

**Plaintiff,**

**v.**

**YOUNGSUN MILLER and IGNACIA F.  
MILLER**

**Defendants.**

**Case No. 1:12-cv-3677**

**IGNACIA F. MILLER'S ANSWER TO  
YOUNGSUN MILLER'S CROSSCLAIM  
AND CROSSCLAIM TO YOUNGSUN MILLER**

COMES NOW, Defendant Ignacia F. Miller, by and through her attorneys Mitchell, Williams, Selig, Gates & Woodyard and for her Answer to Defendant Youngsun Miller's Crossclaim states:

1. Defendant Ignacia Miller denies that Mr. Miller ever had any wish or intention to name Defendant Youngsun Miller as the beneficiary under the Policy. Defendant Ignacia Miller admits the remaining allegations contained in paragraph 80 of the Crossclaim.

2. Defendant Ignacia Miller admits the allegations contained in paragraph 81 of the Crossclaim.

3. Defendant Ignacia Miller admits that her attorneys have contacted the Plaintiff contesting any claim filed by Defendant Youngsun Miller as the beneficiary of the American

General Life Insurance Policy. Defendant Youngsun Miller has no valid claim to the proceeds of the Policy and is not the proper beneficiary of the Policy.

4. Defendant Ignacia Miller denies the allegations contained in paragraph 83 of the Crossclaim.

5. Defendant Ignacia Miller denies the allegations contained in paragraph 84 of the Crossclaim.

6. Defendant Ignacia Miller denies the allegations contained in paragraph 85 of the Crossclaim.

7. Defendant Ignacia Miller specifically and separately denies each and every material allegation contained in Defendant Youngsun Miller's Crossclaim not specifically admitted herein.

8. Defendant Ignacia Miller denies that Defendant Youngsun Miller is entitled to any relief on her Crossclaim.

#### **AFFIRMATIVE DEFENSES**

9. Defendant Ignacia Miller states affirmatively that Defendant Youngsun Miller signed the name of Kenneth G. Miller on a Change of Beneficiary form without any authorization, and submitted that form to American General Life Insurance Company in an attempt to improperly change the beneficiary of the Policy from Defendant Ignacia Miller to herself.

10. Defendant Ignacia Miller states affirmatively that any power of attorney signed by Kenneth G. Miller naming Defendant Youngsun Miller as his attorney-in-fact, specifically prohibits Defendant Youngsun Miller from changing the beneficiary of the American General Life Insurance policy to herself.

11. Defendant Ignacia Miller states affirmatively that she is the proper beneficiary of the death benefits under the American General Life Insurance policy, and that she is entitled to the proceeds due under the terms of the Policy.

**CROSSCLAIM**

Comes the Defendant Ignacia Miller and for her Crossclaim against the Defendant Youngsun Miller, states:

12. Defendant Youngsun Miller signed the name of Kenneth G. Miller on a Change of Beneficiary form without any authorization, and submitted that form to American General Life Insurance Company in an attempt to improperly change the beneficiary of the Policy from Defendant Ignacia Miller to herself.

13. That any power of attorney signed by Kenneth G. Miller naming Defendant Youngsun Miller as his attorney-in-fact, specifically prohibits Defendant Youngsun Miller from changing the beneficiary of the American General Life Insurance policy to herself.

14. That Defendant Youngsun Miller has no legitimate claim to the death benefit of the American General Life Insurance Company Policy on the life of Kenneth G. Miller, deceased. Defendant Youngsun Miller asserted claim for the Policy death benefit is based upon a change of beneficiary that was not signed or authorized by Kenneth G. Miller, deceased.

15. Defendant Ignacia Miller is the proper beneficiary of the Policy death benefit.

16. Defendant Youngsun Miller has acted in bad faith and has been stubbornly litigious in asserting a claim as the proper beneficiary of the Policy death benefit. Defendant Youngsun Miller signed Kenneth G. Miller's name on a change of beneficiary form without any authorization and contrary to the express terms of a power of attorney. As a result, Defendant

Ignacia Miller is entitled to an award of her attorney's fees and costs against Defendant Youngsun Miller.

WHEREFORE, Defendant Ignacia Miller prays that Defendant Youngsun Miller's Crossclaim be dismissed with prejudice; that the Court enter an Order directing the Plaintiff American General Life Insurance Company or the Clerk of the Court to pay the death benefit due under the terms of the Policy to Defendant Ignacia Miller; that the Court enter an Order directing Defendant Ignacia Miller's costs and attorney's fees be paid by Defendant Youngsun Miller; and for all other proper relief to which Defendant Ignacia Miller may be entitled.

This 4th day of January 2013.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that Defendant Ignacia Miller's Answer to Defendant Youngsun Miller's Crossclaim and Defendant Ignacia Miller's Crossclaim was served on the following attorneys of record on the 4th day of January 2013.

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